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Filed: 11/9/06 Signature: Peter C. Lauro  
(Peter C. Lauro)

Docket No.: 59911CON(49950)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Flavio Alterthum, *et al.*

Application No.: 09/620,060

Confirmation No.: 4257

Filed: July 21, 2000

Art Unit: 1634

For: RECOMBINANT CELLS THAT HIGHLY EXPRESS  
CHROMOSOMALLY-INTEGRATED  
HETEROLOGOUS GENES

Examiner: Gary Jones

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIEW OF PATENT TERM EXTENSION PURSUANT TO  
37 C.F.R. §§ 1.181 AND 1.704(c)(8)**

Dear Sir:

This is a Petition for Review of Patent Term Extension under 37 C.F.R. §§ 1.181 and 1.704(c)(1)(8) to correct the Patent Term Extension for the above-referenced patent application. It is respectfully submitted that Patent Term Extension of zero (0) days accorded by the Patent Office to the above-referenced application is not correct.

Applicants respectfully request appropriate and equitable patent term extension, pursuant to 37 C.F.R. § 1.704(c)(8), as set forth below. Attached to this Petition as **Appendix A** is a copy of the Patent Term Extension History obtained from Private PAIR (the application was filed prior to November 29, 2000 and, therefore, was not published).

**STATEMENT OF FACTS**

1. The instant application was filed on July 21, 2000 and is a continuation of U.S. Application No. 09/134,403, filed August 14, 1998, issued as U.S. Patent 6,107,093, which is a continuation of U.S. Application No. 08/363,868, filed December 17, 1994, issued as U.S. Patent 5,821,093, which is a continuation-in-part of U.S. Application No. 08/013,658 filed

February 4, 1993, now abandoned, which is a continuation of 07/624,227, filed December 7, 1990, now abandoned, which is a continuation-in-part of 07/352,062, filed May 15, 1989, issued as U.S. Patent 5,000,000, which is a continuation-in-part of 07/239,099, filed August 31, 1988, now abandoned, and is a continuation-in-part of 07/946,290, filed September 17, 1992, issued as U.S. Patent 5,487,989.

2. An Amendment and Response to the Office Action dated March 14, 2002 was filed on June 24, 2002 (deposited in First Class mail on June 14, 2002). On July 22, 2002, Examiner A.K. Chakrabarti contacted the undersigned via telephone to advise that the claims were in condition for allowance but for an obviousness-type double patenting rejection that would be overcome by the filing of a Terminal Disclaimer. On the same day (July 22, 2002), the undersigned filed via facsimile a Terminal Disclaimer. Applicants and the undersigned expected to receive a Notice of Allowance in due course.

3. However, from July 22, 2002 until August 9, 2006, neither Applicants nor the undersigned received any further communication from the Patent Office, notwithstanding that the undersigned filed Status Inquiry letters and Notifications of Changes of Correspondence Address and Attorney Docket Number on July 30, 2004 (incorrectly logged in as filed on June 30, 2004 on the Image File History Log in Private PAIR), November 9, 2004, August 2, 2005, and July 14, 2006. The undersigned also filed a Revocation of Prior Power of Attorney with New Power of Attorney and Notification of Change of Correspondence Address on October 28, 2005. Although the aforementioned Status Inquiries and Notifications appear on the Image File History Log in Private PAIR, a copy of which is attached hereto as **Appendix B**, neither Applicants nor the undersigned received any response from the Patent Office.

4. In view of the lack of response from the Patent Office, assistant to the undersigned called the Patent Office on or about December 7, 2005 to inquire as to the status of the instant application, and learned that the application had gone abandoned for failure to reply to a Notice of Allowance dated August 15, 2002. Neither Applicants nor the undersigned ever received the Notice of Allowance or the Notice of Abandonment.

5. On or about December 13, 2005, the undersigned followed up with a call to the Patent Office and was referred to Examiner Gary Jones, who was extremely helpful. In fact, Applicants and the undersigned take this opportunity to thank Examiner Jones for his cordiality

and help in resolving the status of the instant application and correcting what turned out to be a significant error on the part of the Patent Office.

6. More specifically, Examiner Jones was able to determine that between June 24, 2002, when the undersigned filed the Amendment and Response referred to in paragraph 2 above, and August 15, 2002, the mailing date of the Notice of Allowance referred to in paragraph 4 above, a registered patent agent/attorney T. Ling Chwang (Reg. No. 33,590) of Jackson Walker LLP, Richardson, Texas, who was never an attorney of record in the instant application, filed a Revocation of Prior Powers of Attorney with New Powers of Attorney and Notification of Change of Correspondence Address on June 25, 2002 for Application Ser. No. 09/624,268, filed July 24, 2000 (the '268 application). Although the '268 application has no relationship whatsoever to the instant application, Applicants or the undersigned, the Patent Office erroneously entered the papers filed by T. Ling Chwang into the record of the instant application.

7. Consequently, all subsequent Office communications, including the Notice of Allowance and the Notice of Abandonment were sent to T. Ling Chwang at Jackson Walker LLP, Richardson, Texas. Moreover, the undersigned was never contacted by T. Ling Chwang. This series of events is reflected in the Image File History Log in Private PAIR as well as in the papers filed by T. Ling Chwang, the Notice of Allowance and the Notice of Abandonment, copies of which are attached hereto as **Appendix C**.

8. In view of the foregoing chain of events caused by the Patent Office's error, Examiner Jones advised the undersigned that the Notice of Abandonment would be withdrawn and a new Notice of Allowance, corrected to reflect the undersigned's correspondence address, would be issued forthwith. However, as of July 14, 2006, neither Applicants nor the undersigned still had not yet received the corrected Notice of Allowance.

9. Accordingly, and as is reflected in the Image File History Log in Private PAIR, Applicant filed a Status Inquiry letter on July 14, 2006. In early August 2006, the undersigned followed-up the Status Inquiry letter with a call to Examiner Jones to advise the Examiner that he had still not received the corrected Notice of Allowance. Examiner Jones indicated that the corrected Notice of Allowance was scheduled for mailing on August 9, 2006. The undersigned received the corrected Notice of Allowance, which indicates that a Patent Term Extension of zero (0) days has been accorded the instant application.

10. Applicants submit that the error of the Patent Office caused significant delay in the prosecution of the instant patent application as well as significant inconvenience and expense to Applicants. More importantly, the error of the Patent Office and ensuing delay caused by that error would significantly erode the term of the patent ultimately issuing from the instant application, without proper and equitable patent term adjustment.

#### RELIEF REQUESTED

The Patent Office error described above has delayed the grant of a patent from the instant application. Therefore, pursuant to 37 C.F.R. §1.702(a)(1), the term of an original patent shall be adjusted if the issuance of the patent was delayed due to failure of the Office to respond to a reply under 35 U.S.C. §132 not later than four months after the date on which the reply was filed. As set forth above, the undersigned filed a Terminal Disclaimer on July 22, 2002, which the Examiner had indicated during a telephone interview with the undersigned on even date would put the application in condition for allowance. Accordingly, the Office should have issued a reply (Notice of Allowance) by November 22, 2002. Because of the Patent Office error and ensuing delay, the Patent Office did not reply to Applicants until August 9, 2006, which is a delay of 1357 days, calculated from November 22, 2002 to August 9, 2006 (taking into account that 2004 was a leap year). The Patent Term Extension History obtained from Private PAIR (Appendix A) indicates Applicants' delay totaling 292 days. Therefore, Applicants respectfully request that that the term of the patent issuing from the instant application be extended by 1065 days, which is the difference between 1357 days of Patent Office delay and 292 days of Applicants' delay.

Alternatively, pursuant to 37 C.F.R. §1.702(b), the term of the patent issuing from the instant application shall be extended due to the failure of the office to issue a patent within three years of actual filing date; *i.e.*, by July 21, 2003, which is three (3) years from the filing date of the instant application. Although the exact grant date of the patent is not yet known, Applicants submit that the delay is at least 1,115 days, calculated from July 21, 2003 to August 9, 2006, the date of mailing of the corrected Notice of Allowance (taking into account that 2004 was a leap year). Therefore, Applicants respectfully request that that the term of the patent issuing from the

instant application be extended by at least 823 days, which is the difference between 1,115 days of Patent Office delay and 292 days of Applicants' delay.

Applicants submit that the instant Petition is being filed promptly with payment of the issue fee, on November 9, 2006. Accordingly, the instant Petition is considered timely filed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59911CON(49950). A duplicate copy of this paper is enclosed.

Dated: November 9, 2006

Respectfully submitted,

By 

Peter C. Lauro, Esq.

Registration No.: 32,360

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicants



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Image File Wrapper

Patent Term Adjustments

Continuity Data

Address & Attorney/Agent

Assignments

Publication Review

Patent Term Adjustment

Filing or 371(c) Date:	07-21-2000	USPTO Delay (PTO) Delay (days):	0
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	292
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
08-09-2006	Mail Corrected Notice of Allowance		
08-03-2006	Correspondence Address Change		
05-23-2006	Receipt into Pubs		
05-03-2006	Workflow - File Sent to Contractor		
12-13-2005	Corrected Notice of Allowance		
12-13-2005	Withdraw Publication/Pre-Exam Abandon		
12-13-2005	Case Docketed to Examiner in GAU		
11-01-2005	Correspondence Address Change		
08-01-2005	Miscellaneous Incoming Letter		
11-09-2004	Miscellaneous Incoming Letter		
08-18-2004	Correspondence Address Change		

Other

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12-26-2002	Mail Abandonment for Failure to Pay Issue Fee	
12-26-2002	Abandonment for Failure to Pay Issue Fee	
07-21-2000	Workflow - Drawings Finished	
07-21-2000	Workflow - Drawings Matched with File at Contractor	
10-14-2002	Receipt into Pubs	
08-16-2002	Workflow - File Sent to Contractor	
08-16-2002	Workflow - File Sent to Contractor	
08-16-2002	Receipt into Pubs	
08-15-2002	Dispatch to Publications	
08-15-2002	Mail Notice of Allowance	
08-15-2002	Mail Notification of Terminal Disclaimer - Accepted	
08-14-2002	Notice of Allowance Data Verification Completed	
07-22-2002	Notification of Terminal Disclaimer - Accepted	
07-22-2002	Terminal Disclaimer Filed	28 ✓
07-11-2002	X-Pre-Legal Complete Amended Case	↑
07-11-2002	Date Forwarded to Examiner	↑
06-24-2002	Response after Non-Final Action	10 ✓
07-11-2002	Correspondence Address Change	↑
07-11-2002	Change in Power of Attorney (May Include Associate POA)	↑
04-27-2001	Payment of additional filing fee/Preexam	121
03-19-2002	X-Pre-Legal Complete Amended Case	↑
03-01-2002	Information Disclosure Statement (IDS) Filed	17
03-14-2002	Mail Non-Final Rejection	↑
03-13-2002	X-Post-Legal Complete Rejection	↑
03-13-2002	Non-Final Rejection	↑
02-28-2002	Date Forwarded to Examiner	↑
02-12-2002	Response to Election / Restriction Filed	116
02-12-2002	Request for Extension of Time - Granted	↑
02-07-2002	Case Docketed to Examiner in GAU	↑

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07-19-2001	Case Docketed to Examiner in GAU	↑
07-19-2001	Mail Restriction Requirement	↑
07-19-2001	Requirement for Restriction / Election	
07-16-2001	Case Docketed to Examiner in GAU	
05-18-2001	Case Docketed to Examiner in GAU	
05-15-2001	Application Dispatched from OIPE	
05-11-2001	Application Is Now Complete	
05-11-2001	Correspondence Address Change	
09-27-2000	Notice Mailed--Application Incomplete--Filing Date Assigned	
09-20-2000	Correspondence Address Change	
08-09-2000	IFW Scan & PACR Auto Security Review	
07-21-2000	Initial Exam Team nn	

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08-09-2006	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3	<input type="checkbox"/>	<input type="checkbox"/>
08-04-2006	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>
07-14-2006	Request for status of Application	PROSECUTION	4	<input type="checkbox"/>	<input type="checkbox"/>
06-23-2006	Bibliographic Data Sheet	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>
10-28-2005	Power of Attorney	PROSECUTION	5	<input type="checkbox"/>	<input type="checkbox"/>
08-01-2005	Miscellaneous Incoming Letter	PROSECUTION	5	<input type="checkbox"/>	<input type="checkbox"/>
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08-15-2002	<u>Notice of Allowance and Fees Due (PTOL-85)</u>	PROSECUTION	11	<input type="checkbox"/>
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07-22-2002	<u>Terminal Disclaimer Filed</u>	PROSECUTION	2	<input type="checkbox"/>
07-11-2002	<u>Miscellaneous Action with SSP</u>	PROSECUTION	2	<input type="checkbox"/>
06-25-2002	<u>Power of Attorney</u>	PROSECUTION	3	<input type="checkbox"/>
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06-24-2002	<u>Claims</u>	PROSECUTION	1	<input type="checkbox"/>
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03-04-2002	<u>Examiner's search strategy and results Information</u>	PROSECUTION	3	<input type="checkbox"/>
03-01-2002	<u>Disclosure Statement (IDS) Filed</u>	PROSECUTION	3	<input type="checkbox"/>
02-12-2002	<u>Amendment - After Non-Final Rejection</u>	PROSECUTION	4	<input type="checkbox"/>
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02-12-2002	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	1	<input type="checkbox"/>
07-19-2001	<u>Requirement for Restriction/Election</u>	PROSECUTION	4	<input type="checkbox"/>
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07-21-2000	<u>Issue Information including classification, examiner, name, claim, renumbering, etc.</u>	PROSECUTION	1	<input type="checkbox"/>
07-21-2000	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
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07-21-2000	<u>Transmittal of New Application</u>	PROSECUTION	3	<input type="checkbox"/>
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07-21-2000	<u>Specification</u>	PROSECUTION	55	<input type="checkbox"/>
07-21-2000	<u>Claims</u>	PROSECUTION	12	<input type="checkbox"/>
07-21-2000	<u>Abstract</u>	PROSECUTION	1	<input type="checkbox"/>
	<u>Oath or Declaration</u>			

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07-21-2000	<a href="#">Fee Worksheet (PTO-875)</a>	PROSECUTION	1	<input type="checkbox"/>
07-21-2000	<a href="#">Amendment - After Non-Final Rejection</a>	PROSECUTION	1	<input type="checkbox"/>
07-21-2000	<a href="#">Specification</a>	PROSECUTION	1	<input type="checkbox"/>
07-21-2000	<a href="#">Applicant Arguments/Remarks Made in an Amendment</a>	PROSECUTION	1	<input type="checkbox"/>
07-21-2000	<a href="#">Miscellaneous Incoming Letter</a>	AS FILED	93	<input type="checkbox"/>

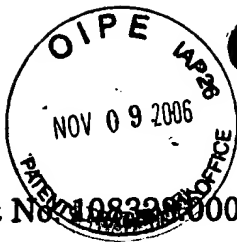
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

7-11-02

**Applicant:** Robert J. Schwartz, et al.

**Serial No.:** 09/624,268

**Filing Date:** July 24, 2000

**Group Art Unit:** 1632

**Examiner:** Peter Paras, Jr.

**For:** SUPER-ACTIVE PORCINE GROWTH HORMONE RELEASING  
HORMONE ANALOG

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Dear Sir:

As assignee of record of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

T. Ling Chwang	Reg. No. 33,590
Scott B. Stahl	Reg. No. 33,795
Robert C. Klinger	Reg. No. 34,365
Bobby D. Slaton	Reg. No. 43,130

Docket No. 108328.00029

John D. Kaufmann

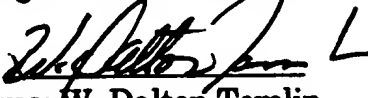
Reg. No. 24,017

Please direct all correspondence and telephone calls to the following:

T. Ling Chwang  
Jackson Walker L.L.P.  
2435 N. Central Expressway  
Suite 600  
Richardson, Texas 75080  
Telephone: 972-744-2919  
Facsimile: 972-744-2909

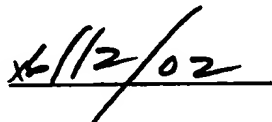
A Statement under 37 C.F.R. 3.73(b) is enclosed.

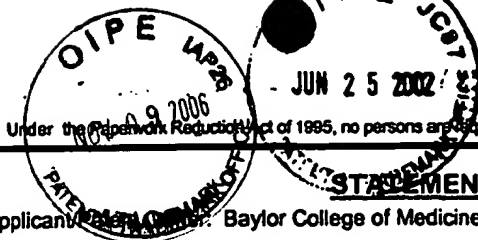
Baylor College of Medicine  
Assignee of Entire Interest

By   
Name: W. Dalton Tomlin  
Title: Senior Vice President  
and General Counsel

Address:

Texas Medical Center  
One Baylor Plaza  
Houston, Texas 77030

Date: 



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Assignor: Baylor College of Medicine

Application No./Patent No.: 09/624,268 Filed/Issue Date: July 24, 2000

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Entitled: SUPER-ACTIVE PORCINE GROWTH HORMONE RELEASING HORMONE ANALOG

Baylor College of Medicine

a non-profit corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011296 Frame 0725, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

x 6/12/02  
Date

x W. Dalton Tomlin  
Signature

W. Dalton Tomlin  
Typed or printed name  
Senior Vice President and General Counsel  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590  
T. Ling Chwang  
Jackson Walker L.L.P.  
2435 N. Central Expressway,  
Suite 600  
Richardson, TX 75080



EXAMINER	
CHAKRABARTI, ARUN K	
ART UNIT	CLASS-SUBCLASS
1634	435-440000

DATE MAILED: 08/15/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,060	07/21/2000	Lonnie O. Ingram	BCI-0092CCPCN2 (UF REF NO	4257

TITLE OF INVENTION: RECOMBINANT CELLS THAT HIGHLY EXPRESS CHROMOSOMALLY-INTEGRATED HETEROLOGOUS GENES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$0	\$640	11/15/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,060	07/27/2000	Lonnie O. Ingram	BCI-0092CCPCN2 (UF REF NO	4257

7590

12/26/2002

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EXAMINER

CHAKRABARTI, ARUN K

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 12/26/2002

P#16

Please find below and/or attached an Office communication concerning this application or proceeding.



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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/626,000

EXAMINER
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ART UNIT	PAPER NUMBER
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PH 66

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
  - ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
  - ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
  - ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
  - ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
  - ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
  - ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380**